

1

2

3

4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

6

7 CHARLES DAVID GORDON,
8 Petitioner,

9

v.

10

JOE A. LIZARRAGA,
11 Respondent.

Case No. 12-cv-00769-PJH

ORDER LIFTING STAY

12

13

14

15

16

17

18

19

Pursuant to the October 16, 2018, Order granting the motion for stay and abeyance pending resolution of the state habeas petition to exhaust state court remedies as to claims 2, 9, 12 and 14 of the federal petition, and upon notification by petitioner Charles David Gordon, known as Angie Denise Gordon, that the California Supreme Court denied her petition for writ of habeas corpus, IT IS HEREBY ORDERED that the stay is LIFTED and the federal habeas proceedings are REOPENED.

20

21

22

23

24

25

26

27

28

Because petitioner presented new evidence in support of her unexhausted claims in the traverse, after respondent had already filed an answer in response to the Order to Show Cause, additional briefing will be limited to the issues raised in the traverse by the evidence of her gender dysphoria diagnosis and treatment in support of claims 2, 9, 12 and 14. IT IS ORDERED that within 56 days of the date of this order, respondent must file a supplemental answer addressing the presentation to the state court of the evidence of petitioner's gender dysphoria diagnosis and treatment in support of claims 2, 9, 12 and 14 and the merits of those previously unexhausted claims. If petitioner wishes to respond to the supplemental answer, she shall do so by filing a supplemental traverse within

1 twenty-eight (28) days of the filing of the supplemental answer. After the time to file the
2 supplemental traverse has passed, the matter will be submitted on the papers.

3 **IT IS SO ORDERED.**

4 Dated: April 3, 2019


5 PHYLLIS J. HAMILTON
6 United States District Judge

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28